UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.619
14 July 2000

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

SUMMARY RECORD OF THE 619th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 17 May 2000, at 10 a.m.

Chairperson: Ms. OUEDRAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Georgia

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E 4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE 00-42270 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 3) (continued)

Initial report of Georgia (CRC/C/41/Add.4/Rev.1; CRC/C/Q/GEO/1; written replies of the Georgian Government to the questions in the list of issues (CRC/C/1 (Future) 5))

1 At the invitation of the Chairperson, Ms. Beridze, Mr. Tatishvili, Mr. Nalbandov, Ms. Ebralidze, Mr. Kavadze, Mr. Kavsadze and Mr. Bakradze (Georgia) took places at the Committee table.

2 Ms. BERIDZE (Georgia) said that in the past few years Georgia had had to face many difficulties including armed conflicts, lack of resources, financial and budgetary crises, State indebtedness, unemployment and delays in the payment of wages and pensions. All these problems had naturally been reflected in the situation of children, although they had not prevented Georgia from acceding to the the Convention on the Rights of the Child in 1994. Between 1995 and 1999 the Georgian Parliament had completely replaced the country's legislative base by enacting more than 700 laws. The authorities were endeavouring to combat poverty, revive the economy and re-establish prosperity.

3 With regard to the promotion of respect for the rights of the child, the country was essentially confronted with problems of a financial and budgetary nature. The Government had recently drawn up a new long-term programme for recovery in the social field, placing the emphasis on policies in support of the family and on guaranteeing the rights of children.

4 The statutory age at which a child could receive legal or medical advice without the consent of the parents or legal representatives was currently 18 years, but it was to be lowered by means of legislative changes. So far as abortion was concerned, a draft Act taking account of Georgia's international commitments would shortly be placed before Parliament.

5 Georgia was a country where the child formed the subject of a veritable cult; instances of corporal punishment were extremely rare, although a few cases in pre-school establishments or schools had been reported. The prohibition of such punishment in schools was based on an unwritten law and those who inflicted it could be dismissed and banned from teaching for a certain length of time. The parliamentary legal committee was considering the possibility of making such acts, whether committed in the family or at school, a criminal offence. At present they did not come under the Penal Code unless they entailed the infliction of bodily harm. In some cases, close contact was established with various bodies in order to protect children and the most vulnerable groups of the population.

6 A presidential decree concerning the adoption of a national plan, for the period 2000 to 2002 to combat violence against women had been promulgated on 25 February 2000. Its chief objectives were the elaboration of an Act and a programme aimed at the prevention of all forms of violence against girls and the launching of a series of information campaigns.

7 In April 2000 the National Ombudsman had submitted his annual report to Parliament dealing, in particular, with street children placed in public institutions. NGOs played an

important role in providing assistance to such children and to children in general. The strengthening of links between government structures and NGOs was to be noted. In view of the budgetary difficulties facing Georgia, the assistance of international organizations in financing children's programmes was particularly important. Thus, an agreement concerning a grant of US$ 60 million to be spent on improving and strengthening secondary education had been concluded with the World Bank.

8 Under an Act adopted in 1999 on State aid to children's and young people's associations, such associations could submit information on the situation with regard to the protection of children to the President of Georgia and the relevant authorities and could introduce initiatives aimed at amending existing laws and other regulations in the light of children's interests. They could also participate in the elaboration, consideration and implementation of government programmes relating to young people.

9 With regard to education, it should be noted that while in some mountainous regions of Georgia there might be classes with only 3 or 4 pupils, the normal criterion was 25 pupils per class. In his electoral programme, President Chevardnadze had given prominence to education and had undertaken to ensure that free secondary education would be gradually introduced and that children belonging to language minorities would receive instruction in their mother tongue.

10 Georgia had established a structure for the preparation of human rights reports to the United Nations, a development which would undoubtedly have a positive effect on the quality and the constructive nature of Georgia's dialogue with United Nations human rights bodies. Georgia awaited with interest any recommendations by the members of the Committee that would help it to discharge its obligations under the Convention.

11 The CHAIRPERSON invited members of the Committee to ask questions relating to general measures of implementation and to the definition of the child.

12 Ms. KARP said that she would have liked the report to contain more information on the effects of the Convention's implementation on the day-to-day life of children. She also noted with concern that it had not been possible to provide information on the subject of children living in Abkhasia and South Ossetia.

13 She asked whether the legislative review was proceeding in accordance with a precise timetable, and expressed surprise that the Convention, although incorporated in domestic legislation, was never invoked before the courts. Had the reasons for such a situation been investigated? Was it because the population was not familiar with the Convention?

14 The written replies contained a statement to the effect that over the period 1998-2000, the human rights service had not had knowledge of any cases of police brutality or unlawful use of force against minors. If the body expressly entrusted with discovering violations of the rights of children had not heard of any such cases, there obviously was a problem; either the budget of the service was inadequate, or the service did not have enough staff, or else it was not focusing sufficiently on children.

15. She asked what steps Georgia intended to take in order to set up an effective coordinating mechanism that would provide an overview of activities being undertaken on behalf of children and indicate what still remained to be done. What specific action was Georgia taking to formulate a comprehensive and detailed strategy and plan of action for children? Had a timetable been established in that respect?

16. Had the study on poverty undertaken in collaboration with the World Bank been completed and, if so, what results had it yielded? Given the reduction in funds allocated to education, health, social security and the Youth Parliament, was it envisaged to review the budgetary appropriations in the interest of children?

17. Lastly, with regard to efforts to make the Convention known to the population and, in particular, to children, was it planned to translate the Convention into languages other than Georgian and Abkhasian, and was the programme of education on the rights of the child which had been launched in the capital to be extended to other parts of the country?

18. Ms. EL GUINDI asked for additional information on the relationship between the Committee on the Protection of Human Rights and the Office of the Public Defender or Ombudsman. Who was responsible for coordination between ministries, follow-up activities and data concerning children? What relations did all those bodies maintain with NGOs, and how did they cooperate with NGOs within the framework of the said activities?

19. Mr. FULCI said he was surprised to note that the report of Georgia failed to mention any NGO participation in its preparation and described existing NGOs as not very active, when other available information indicated that there were a number of NGOs in Tbilisi which were extremely involved in the human rights field. Was Georgia planning to associate NGOs more with that process?

20. He asked whether the Office of the National Ombudsman had set up a service to deal with women's and children's problems and, if not, when it intended to do so. In what way had the existence of an Ombudsman been so far beneficial to children? Were precise and recent data available on how many children had brought cases to the Ombudsman's attention? Lastly, it would be useful to have information on the role of the media, in particular with regard to making the Convention and its contents known to children.

21. Ms. RILANTONO said she was most surprised to read in the report that NGOs did not readily establish contacts with government agencies, even if the delegation had indicated that the situation in that respect had improved over the past two years. It was NGOs that had campaigned on behalf of the Convention, and it was within their capacity to recommend national policies. NGOs were close to the community and should be given a more active role.

22. In the absence of a control mechanism, how was the Convention being applied at present? Had Georgia ratified ILO Convention No. 138 on the minimum age of employment and ILO Convention No. 182 against the worst forms of child labour?

23. Mr. RABAH asked for further information on the draft new Criminal Code,which was to reduce the age of criminal responsibility to 14 in all cases. What were the "exceptionally serious crimes" for which children of 14 could be judged like adults in the cases where criminal responsibility at present began at age 14? He noted that the report did not indicate the minimum age of consent to sexual intercourse.

24. In view of the country's many minorities and of its geographical situation, was it true that some discrimination based on language existed? Could the delegation say to what extent the Convention had been translated into the country's various languages and how it was disseminated at all levels of society, in particular among young people at school and university? Lastly, he asked whether the Ombudsman had already received complaints from children or other persons and whether those complaints had reached the courts. If so, what action had been taken on them?

25. Ms. MOKHUANE asked for information about the membership of the coordinating council responsible for overseeing the implementation of the Convention. Was civil society represented on the council? In what respect did the role of the council differ from that of the ministerial department responsible for the Convention's implementation? She also inquired whether a study had been undertaken to evaluate the effect on the well-being of children of problems connected with poverty, the introduction of macroeconomic policies and the country's economic decline, as referred to in the introductory statement.

26. Mr. DOEK said that, according to information received, problems such as tax evasion and corruption, which had repercussions on the financing of all kinds of programmes for children, were particularly acute in Georgia. What measures were being taken to remedy that situation?

27. Ms. TIGERSTEDT-TÄHTELÄ noted with concern that the budgets for health, education and culture were being reduced although the economy was growing. In that connection, she drew attention to article 4 of the Convention. Was the concept of the rights of the child being taken into consideration in macroeconomic planning?

28. The CHAIRPERSON asked the delegation to describe what steps had been taken in preparation of its appearance before the Committee. In particular, had the report of Georgia on the implementation of the Convention been disseminated, and, if so, what reactions had there been? Had a press conference been held and, if so, how had it been brought to the notice of the population?

29. Ms. BERIDZE (Georgia) explained that in Georgia international instruments formed an integral part of national legislation by virtue of the law on normative acts, and could therefore be invoked before the courts. Accordingly, all Georgian citizens, including children, could invoke the provisions of the Convention before a court, although a region-by-region inquiry showed that no case had ever been brought before a court under the Convention on the Rights of the Child or any other international instrument. Georgia was doing its best to bring its legislation into conformity with the international instruments to which it was a party. Work was in progress to

determine any divergences that might subsist between the Convention and Georgian law, and Parliament had begun to study such lacunae and inconsistencies with a view to making the necessary legislative amendments.

30. So far as the population's knowledge of its rights was concerned, the Convention had, with the help of international organizations, been translated into various languages spoken in Georgia. Under the Soviet Union, the common language had been Russian, which was still known by all minorities but would gradually be supplanted by Georgian as the main language of communication. The State was conducting an extensive programme of instruction in the Georgian language - a programme which was in no way compulsory - for the particular benefit of many adults coming from Azerbaijan and Armenia. At the same time, the State was doing everything in its power to enable children belonging to minorities to be educated in their mother tongue.

31. Human rights principles were being taught in schools, and there had been broadcasts devoted to the rights of the child. However, owing to Georgia's totalitarian past, civil and political rights had occupied the forefront of attention in the early years of independence, and the activities of NGOs continued to be governed by that logic. Upon Georgia's accession to the International Covenant on Economic, Social and Cultural Rights, the National Ombudsman had drawn attention to the close link between those rights and the rights of the child, pointing out that a child had a better life and its rights were more closely respected within a prosperous family.

32. Many NGOs had been established of late, and about 30 of them had recently set up a coordinating council with the assistance of UNICEF. They had prepared a report reproducing, in part, information transmitted to them by government bodies. Thus there had certainly been cooperation between those bodies and NGOs, and such cooperation was steadily increasing; certain programmes were even being implemented jointly. She had personally taken part in a training programme relating in particular to the treatment of minors which had been organized at several police stations in Tbilisi and other parts of the country.

33. The first holder of the post of National Ombudsman, appointed at the end of 1997, had resigned after being elected to Parliament; his deputy was serving as the Acting Ombudsman pending the appointment of a replacement, but the institution had been weakened as a result. One man and one woman had applied for the post. The Ombudsman had begun to investigate some specific issues and to receive complaints from citizens. The main concerns expressed in his first annual report published in 1999 had related to the situation of children placed in institutions and street children. The Ombudsman had never yet received any direct complaints from children, but he had intervened in several cases involving children, for example by authorizing the return of a child to the mother who had obtained custody under a court decision. In some cases, however, children had taken action on their own initiative in schools, and those cases had been settled through the Ministry of Education. The minimum age at which a child could apply to a government authority or the Ombudsman was not legally defined and no legal text existed on that subject, but the climate of opinion in Georgia was such that if a child did approach a government authority or an official, everything would be done to come to his or her assistance.

34. As Georgia was currently unable to exercise its jurisdiction in Abkhazia and a part of Ossetia, the Georgian authorities did not have access to full information on the situation of children in those two regions; however, it could be assumed that it was affected by the particularly difficult economic conditions obtaining there.

35. With regard to the struggle against poverty, an agreement had finally been concluded with the World Bank, and a programme financed by the World Bank was to be launched during the summer. The Youth Parliament was to resume its activities on 15 May 2000.

36. Mr. TATISHVILI (Georgia) explained that instruction in Georgian schools was given either in Georgian or, at the request of the parents, in one of the five minority languages - Armenian, Azeri, Russian, Ossetian or Abkhazian. The arrangement existed in 20 per cent of schools.

37. With the assistance of international organizations such as the United Nations, the authorities had introduced teaching on the Convention as early as in 1995; 50,000 brochures in the Georgian language had been distributed at that time. A handbook intended to make the Convention known to teachers had been prepared in cooperation with NGOs, followed by another, in 1999, intended for children leaving primary or secondary school. Thus the population as a whole had been made aware of the Convention's principles. Despite difficult conditions, the Government had succeeded in making the teaching of the Convention compulsory, a step which had not been without effect even if it could not be affirmed that all the rights of the child were respected.

38. NGOs were very active and had contributed towards the preparation of the initial report by supplying large quantities of data and by undertaking efforts which, in some cases, had led the Government to review its position on certain issues. Sixteen of the 36 NGOs registered in Georgia specialized in the rights of the child.

39. The media contributed greatly to the promotion and respect of the rights of the child and the mother. Articles connected with the rights of the child appeared frequently in the press.

40. In April 2000 Georgia had participated in the Dakar Forum attended by 182 countries reporting on progress achieved in primary education over the past 10 years. The programme introduced by the Georgian Government under the Education Act of 1995 had some shortcomings; girls were under-represented in terms of school enrolment, and secondary education was not yet free of charge; moreover, work still needed to be done to repair damage caused by various natural disasters, including floods in many of the country's schools.

41. Ms. BERIDZE (Georgia) said that the draft Acts pertaining to the rights of women and of the child were drafted by the parliamentary subcommittee responsible for the protection of the mother and child in consultation with government organs and NGOs, with which it worked in close collaboration.

42. Georgia had not yet become a party to ILO Conventions Nos. 137 and 182, but negotiations were in progress towards that end. Under the Labour Code, the legal age of recruitment for work was 16 years, but it was possible to hire an adolescent aged 15 provided the work was light and that one of the parents or the guardian gave their consent.

43. The new Penal Code reduced to 14 years the age of criminal responsibility, which had previously been set at 16 and, by way of exception, at 14 for the most serious criminal offences. The Georgian Government would furnish statistics on juvenile delinquency. The courts hesitated to send minors to prison; at the present, only 47 minors were being detained in a specialized penitentiary establishment, where the conditions were better than in penal establishments for adults. There was no female adolescent currently in detention, whereas in 1993 there had been three.

44. There was no legal minimum age for consent to sexual intercourse, which admittedly was a lacuna in terms of the Convention. The Government would take steps to remedy the situation in the light of the Committee's observations.

45. The fiscal system in Georgia was working very badly because tax collection met with many difficulties and there was a flourishing black market. As a result of the new programme introduced by the internal revenue administration only a few months earlier, the situation was likely to improve.

46. Corruption was indeed a very widespread phenomenon. The Government had drawn up a plan for the establishment of a special commission to fight corruption. The struggle against corruption would certainly be a priority for the new government team. The results achieved would be reflected in the next report.

47. The parliamentary committee on protection of human rights was working in cooperation with the Office of the National Ombudsman, which was accountable to Parliament. The Ombudsman would henceforth report to Parliament twice a year instead of once.

48. The Government had begun to study the effects of poverty on the exercise of the rights of the child. The Bureau of Statistics and the Ministry of Health and Social Security had launched a nationwide survey which would, inter alia, provide information on the number of children in employment and on their age. The programme supported by the World Bank was in progress and had not yet yielded specific results; its eventual conclusions would be disaggregated by different economic, social and cultural rights in respect of both adults and minors.

49. Despite the growth of the economy, expenditures on education and health were diminishing because Georgia was going through a serious budgetary crisis which prevented the financing of activities in those two sectors, although in theory they were regarded as priority areas. The overall situation was therefore far from satisfactory despite the fact that education and health sometimes accounted for as much as 70 per cent of certain local budgets.

50. The Government had prepared its initial report with the greatest care and would spare no effort in disseminating the Committee's observations thereon, as it had also done in connection with its report on the implementation of the Convention on the Elimination of All Forms of

Discrimination against Women in 1999 and, still more recently, with its report under the International Covenant on Economic, Social and Cultural Rights. The consideration of the report on the rights of women had been followed by a press conference and a television programme, and articles on the subject had appeared in the press.

51. The CHAIRPERSON invited the members of the Committee to ask additional questions in connection with the replies they had just heard, as well as on general principles and civil rights and freedoms.

52. Ms. KARP asked whether the Office of the Ombudsman had sufficient human and financial resources at its disposal and whether it had branch offices in various parts of the country. How many people were on the payroll of the subcommittee on the protection of mothers and children? Was Georgia planning to ask for assistance in developing indicators on the poorest groups of children, juvenile justice and child victims of crimes? She also asked how long it would take for Parliament to adopt the new Children Act.

53. With regard to budget appropriations, she suggested that Georgia might follow the example of certain Scandinavian countries which had taken special steps in connection with the allocation of credits to activities on behalf of children. She also inquired whether the proportion of international aid that had to be set aside for children had been defined.

54. On the subject of general principles, she welcomed the information that credits were going to be made available for the financing of the activities of the Youth Parliament. Not only political will but also human and financial resources were needed in order to facilitate children's participation in school life and in the life of society in general.

55. Were the views of the child taken into consideration in schools, before the courts and in connection with the adoption of administrative decisions? Were there any directives stipulating that children's views had to be heard before taking the decision to withdraw them from their family and place them in an institution? She also asked for examples of judicial or administrative decisions in which the best interests of the child took precedence over the interests of the parents or the State.

56. Referring to the right to life, she asked whether there were any children among the persons who had died in prison as a result of police brutality in 1997 and 1998. Generally speaking, it would be interesting to know who was responsible for investigating complaints concerning such acts. Lastly, she recommended that Georgia should supplement the laws prohibiting corporal punishment by campaigns to enhance the public's, and especially parents', awareness of the problem.

57. Ms. RILANTONO asked for an assurance that efforts were being made to disaggregate statistical data on children by age groups. She asked whether, contrary to what generally happened in developing countries, it was customary in Georgia to take the views of children into consideration. Were there any plans to create special machinery for the protection of children? So far as access to appropriate information was concerned, she asked whether steps had been taken to protect children from publications of a pernicious and, in particular, a pornographic nature.

58. Ms. TIGERSTEDT-TÄHTELÄ thought it very interesting that the Georgian delegation intended to report on its mission to Geneva to the National Security Council. Noting that the Georgian media disseminated a good deal of information on the rights of children and their mothers, she remarked that the father, too, had an important role to play in a child's upbringing.

59. Mr. DOEK asked for an explanation of paragraph 78 of the addendum to the initial report (CRC/C/41/Add.4/Rev.1) in which it was stated that a minor's views could be heard in the course of procedures required by law. Did that mean that a judge could choose not to hear the child? What criteria were applied in that regard? Was there an age limit? Could the child be heard in divorce proceedings? With reference to freedom of association, he asked for an explanation of the rule prohibiting children's participation in the activities of political parties (para. 116).

60. Ms. MOKHUANE noted the existence of considerable disparities between the situation described in the report, which corresponded to an ideal situation for the Convention's implementation, and the reality. What emergency measures had the State taken to guarantee the right of the child to life, health and development?

61. The CHAIRPERSON inquired about the attitude of Georgian society towards handicapped children and children born out of wedlock. What measures were taken to ensure that such children did not suffer discrimination? Referring to the addendum to the initial report, where it was stated that there was serious public concern about the spread of sects and religious movements non-traditional to Georgia (para. 114), she asked whether steps had been taken to ensure that the sects did not violate children's rights.

62. Ms. BERIDZE (Georgia) said that the financial resources available to the Office of the Ombudsman were very limited. The person shortly to be appointed to the post of Ombudsman would ask for those resources to be doubled or trebled immediately upon taking office. Inadequate means were also the reason why the Office of the Ombudsman had no local branches. As for the draft Act on the rights of the child, its purpose was to fill the gaps that existed at present. It should be noted that NGOs were participating in drafting the new Act together with the appropriate parliamentary committee.

63. Replying to questions about budget allocations to sectors relevant to children, she said that an indicative plan was drawn up each year but, owing to the uncertainties of the situation, the system had not worked very effectively up to the present. Georgia was receiving a great deal of international humanitarian aid, much of which was earmarked for families and children. The amount of aid was currently being reduced, but it remained considerable in the sectors of health and children's welfare.

64. Replying to questions about the Youth Parliament, she said that its activities were largely financed by UNICEF. There also existed a system of scholarships for children particularly gifted in specific areas, especially those of science and the arts. Despite its limited resources, the State was keen to finance arrangements of that type.

65. Much had been said about shortcomings in connection with the rights of the child, but the fact should not be overlooked that many legal provisions, including those of the Family Code, clearly stipulated that the best interest of the child always had to be taken into consideration.

66. No minor had died in prison. The persons who had died were convicted adults, in the majority of cases as a result of illness. Members of the police forces who violated the rights of detained or convicted persons were punished and, where necessary, dismissed from the service. No breach of the rights of a minor had been recorded in that context. However, there had been one case where a child had made a false declaration against a policeman before subsequently withdrawing it.

67. With regard to the prohibition of corporal punishment, Georgian law was extremely strict, especially where children were concerned. The idea was not so much to imprison parents who committed such acts as to make them understand that their behaviour was morally unacceptable.

68. So far as statistics on children were concerned, data disaggregated by age groups could no doubt be produced in future. Lastly, taking the views of the child into consideration in the family was not only a matter of wanting to obey the law; in Georgia, it was a veritable tradition.

The meeting rose at 1 p.m.